

**FILE COPY**

CLERK OF COURTS

February 27, 2019

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA  
FAMILY COURT



DEANNA H AAL,  
Petitioner,

v.

SHAMEL HANAFI,  
Respondent.

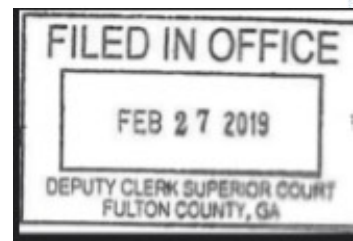
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CIVIL ACTION FILE NO. 2018CV310972

**CERTIFICATE OF SERVICE**


This is to certify that I have this day served the counsel for Petitioner with a copy of the foregoing *Objection to Request for Registration of Child Custody Determination and Request for Hearing Pursuant to O.C.G.A. § 19-9-85* by Statutory Electronic Service to: [mec@cauthornnohr.com](mailto:mec@cauthornnohr.com) and [jcs@cauthornnohr.com](mailto:jcs@cauthornnohr.com) and by depositing a copy of same in the United States Mail, with sufficient postage affixed thereon to ensure proper delivery of same, addressed as follows:

Marijane E. Cauthorn, Esq.  
Jennifer C. Suggs, Esq.  
Cauthorn Nohr & Owen  
212 Church Street  
Marietta, GA 30060



This 26th day of October, 2018.

**ANGELA M. KINLEY, P.C.**

  
ANGELA M. KINLEY  
Attorney for Respondent  
a State Bar No. 159097

3400 Peachtree Road NE  
Suite 1011  
Atlanta, GA 30326  
(404) 784-7186  
[angela@kinleylaw.com](mailto:angela@kinleylaw.com)



contemplated by O.C.G.A. § 19-9-85(d)(1); that Respondent herein was entitled to notice of the proceedings sought to be registered, but that notice was not given in accordance with the standards of O.C.G.A. § 19-9-47 before the court that issued the order for which registration is sought, as contemplated by O.C.G.A. § 19-9-85(d)(3); and pursuant to general principles of federal and international law applicable to acknowledgment of foreign judgments.

4.

Respondent shows that the minor child of the parties, to wit: K.S.H., a female child, birth year 2012 (hereinafter referred to as the "Child") is a citizen of the United States. Respondent shows that he was previously married to Petitioner at the time Petitioner wrongfully removed the Child from the United States, and refused to return the Child to the United States thereafter with the intent to obstruct Respondent from the exercise of lawful parental rights in violation of 18 U.S.C. 1204.

5.

Respondent shows that Petitioner has wrongfully denied Respondent parental rights to the Child since 2016 and obtained the order sought to be registered by the Request by perpetrating fraud on the Egyptian court, including providing false evidence of notice on Respondent of the Egyptian custody action and making false statements to the court regarding jurisdictional elements of the case required to establish subject matter jurisdiction of a custody action and personal jurisdiction of the Respondent in Egypt.



IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA  
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DEANNA H AAL,  
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Respondent.

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CIVIL ACTION FILE NO. 2018CV310972

**OBJECTION TO REQUEST FOR REGISTRATION  
OF CHILD CUSTODY DETERMINATION**

**and**

**REQUEST FOR HEARING PURSUANT TO O.C.G.A. § 19-9-85**

COMES NOW, SHAMEL HANAFI, Respondent in the above-styled matter, by and through his counsel of record, and files this *Objection to Request for Registration of Child Custody Determination and Request for Hearing Pursuant to O.C.G.A. § 19-9-85* (hereinafter referred to as the "Objection") and in support of same, respectfully shows the Court as follows:

1.

Respondent shows that the Affidavit of Process Server evidencing service upon him of the above-styled *Request for Registration of Child Custody Determination* (hereinafter referred to as the "Request") was filed on October 16, 2018.

2.

Pursuant to O.C.G.A. §§ 19-9-85(c)(2) and 19-9-85(d), Respondent hereby timely requests a hearing to contest the validity of the registered determination.

3.

Respondent shows that Request should be denied on the grounds that the issuing court did not have personal jurisdiction,



on the grounds of lack of personal jurisdiction, as



6.

Respondent shows that he never received any notice of any proceedings regarding child custody or support filed by Petitioner in Egypt and furthermore, that at the time Petitioner alleged to have perfected service on Respondent in Egypt, Respondent can conclusively prove that he was not in Egypt and was not capable of receiving personal service of any legal documents.

7.

Respondent shows that Petitioner further perpetrated fraud on the court in obtaining the order sought to be registered by the Request in violating 18 U.S.C. 1204 and retaining the Child in Egypt despite numerous demands by Respondent that Petitioner return the Child to the United States and subsequently filing a custody action in an Egyptian court, seeking sole custody of the Child without informing the Egyptian court of her unlawful conduct in obtaining and retaining physical custody of the Child outside of the United States.

8.

Respondent shows that the order sought to be registered by the Request awards sole legal and physical custody of the Child to Petitioner and grants no parental rights, whatsoever, of the Child to Respondent and that such denial is contrary to the best interest of the child standard applied by this Court in making child custody determinations pursuant to O.C.G.A. § 19-9-3 as there is no evidence that the Egyptian court gave any consideration to the factors set forth therein.



States. Accordingly, there is no comity between Egypt and the United States of America upon which to base recognition of a judgment entered by an Egyptian court.

11.

Respondent shows that Egyptian courts apply specific Sharia law to child custody cases which favor custody in the mother and create a presumption in favor of the mother. Accordingly, courts in the United States of America have previously refused to treat Egypt as a "state" for purposes of the Uniform Child Custody Jurisdiction and Enforcement Act and have found that Egyptian courts have no child custody jurisdiction as there is "clear and convincing evidence that Egyptian child custody laws violate fundamental principles of human rights."

13.

Respondent shows the Request should be denied as the terms of the order sought to be registered are substantively incompatible with Georgia laws regarding child custody and fail to promote the best interest of the Child. Additionally, Respondent shows that the Request should be denied pursuant to O.C.G.A. § 19-9-85 because the Egyptian court did not have jurisdiction over the Respondent or the subject matter of the child custody action and Respondent was not served properly with notice of the child custody proceedings in Egypt. Moreover, Respondent was not afforded a proper opportunity to be heard, said proceedings were tainted with fraud perpetrated by Petitioner herein, and the judgment rendered in said proceedings offends public policies established by the courts of the State of Georgia and United States of America.







5.

The Court finds that Respondent herein was entitled to notice of the child custody proceedings sought to be registered by Petitioner, but that notice was not given in accordance with the standards of O.C.G.A. § 19-9-47 before the court that issued the order for which registration is sought, as contemplated by O.C.G.A. § 19-9-85(d)(3). The Court finds that Respondent was not served with process in a manner reasonably calculated to give actual notice of the Egyptian custody proceedings.

6.

The Court further finds that Petitioner herein was represented by counsel regarding the proceedings for child custody in Egypt and by counsel regarding an action for child custody which was pending in the Superior Court of Fulton County, to wit: *Shamel Hanafi v. Deanna Hussein Aal*, Civil Action File No. 2017CV288779, at the time of filing of Petitioner's proceedings for child custody in Egypt, and that despite being represented by counsel in both actions, neither attorney made any effort to provide any courtesy copy of the Egyptian pleadings to Respondent or Respondent's counsel in the Fulton County custody action.

### CONCLUSIONS OF LAW

The Court hereby **DENIES** the Request for Registration of Child Custody Determination pursuant to O.C.G.A. §§ 19-9-85(d)(1) and 19-9-85(d)(3) based on its findings that the issuing court for the documents sought to be registered did not have personal jurisdiction over the Respondent nor subject matter jurisdiction of the child custody action and, further, Respondent was not served properly with notice of the child custody proceedings in Egypt. Accordingly, the Egyptian child custody orders sought to

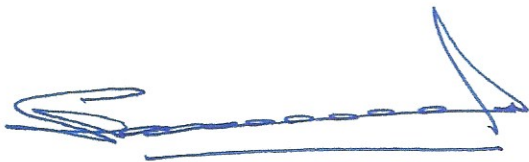
be registered by Petitioner in the above-styled matter are denied registration and are not subject to enforcement by the Court.

SO ORDERED this 27<sup>th</sup> day of February, 2019, *nunc pro tunc*, January 15, 2019.

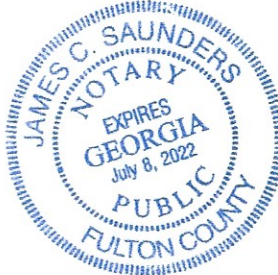
  
HONORABLE BELINDA E. EDWARDS  
Fulton County Superior Court  
Family Division

Prepared by:  
Angela M. Kinley  
Attorney for Respondent  
Georgia State Bar No. 159097  
3400 Peachtree Road NE  
Suite 1011  
Atlanta, Georgia 30326  
(404) 784-7186  
angela@kinleylaw.com





State of Georgia, County of Fulton  
I certify that this is a true and correct copy  
of a document in the possession of  
Shamel Hana  
Dated 3/1/19  
Notary Public James C. Saunders





9.

Respondent shows that O.C.G.A. § 19-9-3(a)(1) states:

"In all cases in which the custody of any child is at issue between the parents, there shall be no prima-facie right to the custody of the child in the father or mother. There shall be no presumption in favor of any particular form of custody, legal or physical, nor in favor of either parent."

Respondent shows that in addition to the plain language of O.C.G.A. § 19-9-3(a)(1), Georgia public policy and legal principles favor children having a positive, loving relationship with *both* parents and highly disfavor sole custody arrangements, except in extreme cases involving lack of parental fitness or child abuse. As evidence thereof Respondents refers to O.C.G.A. § 19-9-3(d) which states:

"It is the express policy of this state to encourage that a child has continuing contact with parents and grandparents who have shown the ability to act in the best interest of the child and to encourage parents to share in the rights and responsibilities of raising their child after such parents have separated or dissolved their marriage or relationship."

The relief sought in the Request would wholly circumvent the procedural due process rights of Respondent and the Child and effectively terminate the parent/child relationship between Respondent and the Child as Petitioner would be permitted to deny any contact or communication between them based on the terms of the Egyptian court order, which would not be subject to modification thereafter except by an Egyptian court.

10.

Respondent further shows that Egypt has not signed the Hague Convention on the civil Aspects of International Parental Child Abduction and that Egypt does not recognize, nor give any enforcement to, any child custody order issued by a court of the United





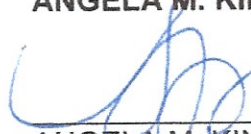
Respondent shows that he has incurred attorney's fees and expenses of litigation in responding to the *Request for Registration of Child Custody Determination* and accordingly, Respondent is entitled to an award of attorney's fees and expenses of litigation against Petitioner.

**WHEREFORE**, Respondent prays:

- (a) That a Rule Nisi issue requiring Petitioner show cause, if any, as to why the demands of the Respondent should not be granted;
- (b) That the Court deny all relief sought by Petitioner in the *Request for Registration of Child Custody Determination*;
- (c) That the Court award Respondent reasonable attorney's fees and expenses of litigation; and
- (d) That Respondent have such other and further relief as the Court deems just and proper.

This 26th day of October, 2018.

**ANGELA M. KINLEY, P.C.**

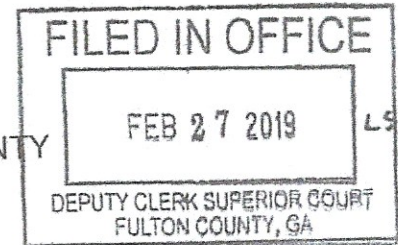


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IN THE SUPERIOR COURT OF FULTON COUNTY  
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DEANNA H AAL,  
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CIVIL ACTION FILE NO. 2018CV310972

**ORDER DENYING REQUEST FOR REGISTRATION OF CHILD CUSTODY  
DETERMINATION**

The above-styled matter came before this Court for a hearing pursuant to *Respondent's Objection to Request for Registration of Child Custody Determination* pursuant to O.C.G.A. §§ 19-9-85(c)(2) and 19-9-85(d) on January 15, 2019. Present for said hearing were the following: DEANNA H AAL, Petitioner, JENNIFER C. SUGGS and MARIJANE E. CAUTHORN, Counsel for Petitioner, SHAMEL HANAFI, Respondent, and ANGELA M. KINLEY, Counsel for Respondent. After reviewing evidence and testimony of both parties, hearing argument of counsel and considering all matters of record, the Court makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1.

Petitioner filed her *Request for Registration of Child Custody Determination* (hereinafter referred to as the "Request") on October 16, 2018 and Respondent was properly served with process pursuant to the Affidavit of Process Server filed on October 16, 2018.





2.

Pursuant to O.C.G.A. §§ 19-9-85(c)(2) and 19-9-85(d), Respondent timely filed his objection to the Request and requested a hearing to contest the validity of the Request.

3.

The Court finds that the parties were previously married and are parents of one (1) minor child, to wit: K.S.H., a female child, birth year 2012 (hereinafter referred to as the "Child"). The Court finds that the Child is a citizen of the United States as set forth on the Child's birth certificate which was admitted into evidence.

4.

The Court finds that the issuing court of the documents sought to be registered by Petitioner did not have personal jurisdiction or subject matter jurisdiction of the child custody matter, as contemplated by O.C.G.A. § 19-9-85(d)(1). The Court finds that Respondent was not a resident of Egypt nor did Respondent maintain any domicile in Egypt at the time Petitioner herein filed the child custody action in Egypt, that at the time of filing of the child custody action in Egypt, Respondent was a resident of Fulton County, Georgia and that Petitioner was aware of Respondent's physical address and domicile in the United States of America. Finally, the Court finds that Respondent did not waive or consent to the jurisdiction of the Egyptian courts for the purpose of the custody action filed by Petitioner.





DEPUTY CLERK SUPERIOR COURT  
FULTON COUNTY, GA

United States Department of State

Washington, D.C. 20520

October 12, 2017

Mr. Shamel Hanafi  
3116 Walton Way  
Atlanta, GA 30076

Dear Mr. Hanafi:

Our records reflect that in March, 2017 you contacted our office to report that your daughter, Karma Hanafi, had been wrongfully removed to Egypt by her mother, Deanna Aal in July of 2016. Based on the information you provided, our office opened a report of abduction on behalf of your daughter on March 13, 2017. Your child was also entered into CPIAP; the case number is 1570354 for your reference.

Since March 2017, you have discussed with our office your efforts to hire an attorney and contact law enforcement to have your daughter entered into National Crime Information Center (NCIC) as a missing person. As our office has previously mentioned, inclusion of your daughter in the NCIC will serve to document your child's abduction, and may assist in locating Karma should she cross U.S. or international borders at some point.

If you need any assistance, or have any questions concerning your case, you may contact me at phone number 888-407-4747 or by email at [MiddleEastIPCA@state.gov](mailto:MiddleEastIPCA@state.gov).

Sincerely,



*Kelly C. Landry*  
Kelly C. Landry  
Office of Children's Issues



CONSULATE OF  
THE ARAB REPUBLIC OF  
EGYPT  
WASHINGTON, D.C.  
Seen by the legalization of the  
signature of the U.S. Secretary of  
State or the U.S. Secretary of  
State without any  
responsibility on the part of the  
Ministry of Foreign Affairs of the  
Arab Republic of Egypt as to the  
legality of the signature.

Legalization Number:  
Date: 15 SEP 2017  
Consul: A.H. Hossain





Authorship & Translation  
Scientific Bureau  
FOUAD NEMAH  
14(a) Sherif, St. Heliopolis  
Tel 22567808 - 24506219  
37, Kasr El Nil St., - Cairo  
Tel : 23922124

cus-kar

ARAB REPUBLIC OF EGYPT

TRANSLATION

OFFICE OF CHANCELLOR YEHIA ABDELMEGUID

LAWYER

BEFORE THE COURT OF CASSATION, THE HIGHER ADMINISTRATIVE  
& CONSTITUTIONAL COURT

LEGAL CONSULTATIONS & ARBITRATION

16 El Sobky Street, behind Heliopolis Club, Heliopolis

Subject-Matter: Re-notification & offering reconciliation regarding Lawsuit number  
1859/2017/Heliopolis Family Court,  
In implementation to the Court Decision

The Plaintiff's Lawyer  
Chancellor Yehia Abdelmeguid  
Signature & seal

On Tuesday, February 6, 2018

Acting at the request of Mrs. **DEANNA HUSSEIN MOHAMED ABUSEDA**, domiciled at Villa number 382, El Golf West, Fifth Settlement, New Cairo, whose elected domicile is the Office of Chancellor Yehia Abdelmeguid, Lawyer before the Court of Cassation, the Higher Administrative & Constitutional Court, headquartered at 16 El Sobky Street, behind Heliopolis Club, Heliopolis, Cairo,

I, Walid Hamdy, Bailiff of the Family Court, proceeded and notified:

Mr. **SHAMEL MOHAMED MOHAMED HANAFY**, domiciled at 27 Hassan Sadek Street, Heliopolis, addressing: The Commissioner of the Police Office as the house was closed,

& notified him of the following:

The Plaintiff filed lawsuit number 1859 for the year 2017 before Heliopolis Family Court, requesting at the end of her lawsuit citation a ruling imposing payment of alimony for her minor **KARMA SHAMEL MOHAMED MOHAMED HANAFY**, of all types, including food, clothes, housing and others. The hearing of December 23, 2017 was fixed as a starting hearing for this lawsuit, and at that hearing the respectful court decided to postpone the case to the hearing of February 10, 2018 for re-notifying the Respondent, offering reconciliation and investigation.

I, Karim Nemah, hereby affirm that I am competent to translate the attached document from Arabic into English and that translation is accurate.

Authorship & Translation  
Scientific Bureau  
FOUAD NEMAH  
14(a) Sherif, St. Heliopolis  
Tel 22567808 - 24506219

مكتب المحامي

يعني عبد الجبار

المحامي

بالنقض والإدارية والدستورية العليا  
والاستشارات القانونية والتحكيم  
١٦ من السبكي - خلف نادي هليوبوليس  
مصر الجديدة

ت: ٢٤١٨٥٨٨ / ٢٤١٨٥٨٩ فاكس: ٢٤١٨٢٩٠٩

عادل

٢٠٥٦

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إنه في يوم السبت الموافق ٢٠١٨/٢/١٠ الساعة ١٠:٠٠ بالبحر

## الموضوع

إعادة إعلان وعرض  
الصلح في الدعوى رقم  
١٨٥٩ لسنة ٢٠١٧  
أسرة مصر الجديدة

بناءً على طلب السيدة/ دينا حسين محمد أبو سعدة - والمقيمة بفيلا  
رقم ٣٨٢ غرب الجولف بالتجمع الخامس - القاهرة الجديدة،  
ومحلها المختار مكتب المستشار/ يحيى عبد الجبار المحامي  
بالنقض والإدارية والدستورية العليا الكائن مقره في ١٦ شارع السبكي  
- خلف نادي هليوبوليس - مصر الجديدة - القاهرة.

أنا السيد/ وحضر محكمة أسرة انتقلت وأعلنت:

تنفيذاً لقرار المحكمة

السيد/ شامل محمد محمد حنفي

المقيم برقم ٢٧ شارع حسن صادق - مصر الجديدة.

مخاطباً مع السيد/ السيد/ محمد محمد حنفي

وأعلنت بالآتي

أقامت الطالبة الدعوى رقم ١٨٥٩ لسنة ٢٠١٧ أمام محكمة أسرة مصر الجديدة  
طالبة في ختام صحيفة دعواها الحكم لها بفرض نفقة للصغيرة/ كارما شامل  
محمد محمد حنفي بجميع أنواعها من مأكّل وملبس ومسكن وغيرها وقد تحدد  
لنظر تلك الدعوى ابتداء جلسة ٢٠١٧/١٢/٢٣ وبذات الجلسة قررت المحكمة  
الموقرة التأجيل لجلسة ٢٠١٨/٢/١٠ لإعادة إعلان المعلن إليه وعرض الصلح  
والتحري.

وحيث يهم الطالبة تنفيذ قرار المحكمة فإنها تعيد إعلان المعلن إليه  
وتعرض عليه الصلح لجلسة ٢٠١٨/٢/١٠

وكيل الطالبة

السيد/ شامل محمد حنفي

عبد الجبار

القاهرة

أنا المحضر سالف الذكر قد انتقلت وأعلنت المعلن إليه وسلمته أو من ينوب عنه  
قانوناً صورة من أصل الصحيفة وكلفته بالحضور أمام محكمة الحقائق لشئون  
الأسرة الكائنة بمجمع محاكم مصر الجديدة الكائنة بشارع الحجاز - ميدان  
المحكمة - مصر الجديدة وذلك أمام الدائرة (١٦) أسرة مصر الجديدة وذلك من  
صباح يوم السبت الموافق ٢٠١٨/٢/١٠ وذلك لسماعه الحكم بفرض نفقة  
للصغيرة/ كارما شامل محمد محمد حنفي بجميع أنواعها من مأكّل ومسكن  
ومسكن وغيرها مع إلزامه بالمصروفات ومقابل أتعاب المحاماة.

مع حفظ كافة حقوق الطالبة الأخرى بجميع أنواعها ومشتملاتها.



**CONSULATE OF  
THE ARAB REPUBLIC OF  
EGYPT  
WASHINGTON, D.C.**

Seen for the legalization  
signature of the U.S. Secretary of  
State and of the Secretary of  
Department of State without any  
responsibility and as part of the  
authorities of the Arab Republic of  
Egypt as stated contents.

Registration Number  
55







Deanna Aal Egyptian  
Resorts Co. 4A Aziz  
Abaza St. Cairo,  
Egypt  
P: +202.27358427  
C:+201008559999

Atlanta, Sep.9th.2019

Deanna,

You have crossed the line in every possible way. As a mother, you have shown a lack of care and willpower to work on and care for your child's health. As a human being, you showed a lack of respect and the will to resolve disagreements civilly. And as if that wasn't enough, you could break a few basic federal laws.

I want to communicate with you because I genuinely care about my child's health, and I want to help her. As a father, I have every right to do so. I hope you will understand and ease this already difficult situation. Please keep in mind that it is the health, even the life of our daughter. It's time to react rather than put personal reasons and interests ahead of her health as you do.

The main reason why I accept to communicate with you is that:

My daughter wanted to speak with me;

as a living being in culture and civilization, I know what decent behavior is, which you avoid showing.

You caused a lot of worry and distress by telling me a month later about our baby's health. I was able to react following the regulation, but still, given our daughter's health situation, I decided to act humanely and with common sense.

However, whenever I feel desperate to think that I am not the first person to whom you have reported it, you have had so many ways to do it: via message, telephone, and electronic!

However, I have taken all legal action against you. I need to explain why but I think you already know the answers.

Your plans and actions taken accordingly are very wicked and corrupt and don't fit the role of one woman and mother, nor represent human beings with common sense. Unfortunately, you have repeatedly proven that these two roles don't mean much to you, only your interest. Very

often, you have exploited and involved other people in your evil plans, and my family had to accept all your imposed demands to be able to see our daughter from time to time! And that is the fundamental right that you wanted to deny them. You even banned our daughter from calling my mother 'grandma' until I stopped calling the law to help me. However, this is not too strange since you have shown many layers of Narcissistic Personality Disorder ( NPD).

I have the legal urge to remind you of my rights. The law stipulates that everyone is required to be guided by the best interests of the child in all activities affecting the child. It states that the state must take all necessary measures to protect the child from neglect, physical to emotional abuse, and any exploitation and that the state should respect, protect and promote the rights of the child. It is also stipulated that parental rights belong to the mother and father and that parents are equal in the sense of parental rights. I am afraid you are unaware of the law, so I must take action in May.

One important thing I need to remind you of is that I am the legal custodian in the US by Federal court order and in Egypt based on the family law and your Shari3a.

If you by any chance think that I have no right as a father in the territory of Egypt, I have to inform you're wrong. (attached copy from the Egyptian Custody law)

I understand you need to move on with your life, and I completely support you. Still, I think that my daughter might be under the evil influence of Tom, Dick, and Harry, which is the reason I sent you a voice message last Feb to make sure the information is well-received and memorized. I am just thinking about what is in our daughter's best interest, and I hope that you will start thinking in that way as well. I hope you will be guided by common sense and laws and Re-think your actions before it is too late.

Respectfully,  
Shamel Hanafy

A handwritten signature in black ink, appearing to read 'Shamel Hanafy', with a long horizontal flourish extending to the right.